

EXHIBIT 3

From: Black, Martin
Sent: Monday, November 19, 2012 11:58 AM
To: Winter, Vision
Cc: Deron Dacus; Samuels, Mark; Talab, Lynn; Pat Kelley; Dianne Adams; All Hitachi v TPV-Vizio; Fleming, Laura; 'sharon@icklawn.com'; 'patkelley@icklawn.com'; 'nancy@icklawn.com'; 'VIZIO-HITACHI@akingump.com'; Plies, Jeffrey
Subject: RE: Hitachi v. TPV

Vision,

Hitachi does not understand why these third-party subpoenas are being served one business day prior to the close of fact discovery. The parties have had six months to complete fact discovery. Moreover, Defendants included the Sky Cable and Digicipher reference in their August 3 invalidity contentions and presumably knew of them much earlier. Further, Defendants made specific reference to the fact they had already obtained or would obtain through third-party discovery information concerning the public disclosure of their alleged prior art. However, no such third-party discovery was initiated or produced. We assumed that you were not pursuing those references and have taken no steps to initiate discovery of our own as a result. We do not see the basis for extending the deadline under the circumstances and cannot agree to your request.

Regards,

Marty

From: Winter, Vision [<mailto:vwinter@omm.com>]
Sent: Friday, November 16, 2012 2:20 PM
To: Plies, Jeffrey; Dianne Adams; All Hitachi v TPV-Vizio; Fleming, Laura; 'sharon@icklawn.com'; 'patkelley@icklawn.com'; 'nancy@icklawn.com'; 'VIZIO-HITACHI@akingump.com'
Cc: Deron Dacus; Samuels, Mark; Talab, Lynn; Pat Kelley
Subject: RE: Hitachi v. TPV

Jeff,

TPV expects to reach an agreement with DirecTV and Google to extend the dates for compliance with the subpoenas. Will Hitachi oppose a motion to extend the fact discovery deadline for the limited purpose of this 3rd party discovery?

Thanks,

Vision

From: Plies, Jeffrey [<mailto:Jeffrey.Plies@dechert.com>]
Sent: Friday, November 16, 2012 11:02 AM
To: Dianne Adams; All Hitachi v TPV-Vizio; Fleming, Laura; 'sharon@icklawn.com'; 'patkelley@icklawn.com'; 'nancy@icklawn.com'; 'VIZIO-HITACHI@akingump.com'
Cc: Deron Dacus; Winter, Vision; Samuels, Mark; Talab, Lynn; Pat Kelley
Subject: RE: Hitachi v. TPV

Daron,

Please inform us by close of business today as to whether Defendants in good faith expect any third-party depositions to proceed on Monday, November 19, as indicated by the subpoenas. Given the unreasonably short notice, we assume they will not, but please confirm.

Regards,

Jeff

From: Dianne Adams [<mailto:DAdams@dacusfirm.com>]

Sent: Friday, November 16, 2012 12:25 PM

To: All Hitachi v TPV-Vizio; Fleming, Laura; 'sharon@icklawn.com'; 'patkelley@icklawn.com'; 'nancy@icklawn.com'; 'VIZIO-HITACHI@akingump.com'

Cc: Deron Dacus; ywinter@omm.com; msamuels@omm.com; Talab, Lynn (LTalab@OMM.com)

Subject: Hitachi v. TPV

Dear Counsel,

Please see the attached.

Thank you,

Dianne Adams

Dianne Adams

The Dacus Firm, P.C.
Legal Assistant

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ATTORNEYS & COUNSELORS AT LAW

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